IOWA HOUSE REPUBLICANS

REPUBLICAN CAUCUS STAFF
HOUSE OF REPRESENTATIVES
STATE CAPITOL
DES MOINES, IOWA 50319

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HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 2464 (Formerly HSB 721)	House Committee:	**PASSED** on February 16 (20-0)
Committee:	Judiciary	House Floor:	
Floor Manager:	Rep. Holt	Senate Floor:	
Date:	March 8, 2022	Governor:	
Staff:	Amanda Wille (1-5230)		

Expungement of Crimes for Human Trafficking Victims

- HF 2464 allows a victim of human trafficking to have their criminal records expunged in many cases.

Section by Section Analysis

Section 1 – Expungement of Criminal History Records- Human Trafficking (710A.8)
Definitions

A person may ask the court to have their record expunged if when the record was created, the person was a victim of human trafficking. This request can be made once the person is no longer a victim of human trafficking or after they have had access to human trafficking victim services.

Any filing must have the following information:
- Sworn statement that the person is eligible to have their record expunged.
- Official documents, if available.

There is no filing fee associated with this action.

The county attorney shall receive a copy of the petition.

Proceedings may be conducted over the phone or video.

By submitting the petition, there is a presumption that the illegal actions committed were done as a result of human trafficking. Preponderance of the evidence is all that is required to expunge the record. If there is no official documentation then a court will use clear and convincing evidence as the standard.

Process for expungement.

If the record is expunged they are still available in limited circumstances including to federal agencies and some state agencies upon court order.

A person who has had their record expunged under this code section is not required to disclose it when applying for jobs, and cannot be charged with perjury for not disclosing the expunged charges.

The following offense cannot be expunged:
-Homicide (707)
-Intimidation with a dangerous weapon (708.6)
-Going armed with intent (708.8)
-Sexual abuse (709)
-Stalking (708.11(3))
-Kidnapping (710)
- Robbery, aggravated theft, extortion (711)
-Arson (712)
- Burglary 1st degree (713.3)
- Burglary 2nd degree (713.5)
-Neglect of dependent person (726.3)
-Child endangerment (726.6)

If a person is found not guilty by reason of insanity or incompetent to stand trial, having the records expunged does not remove the information from the NICS database and does not allow a person to possess or carry a firearm.

Amendment Analysis

H-8144-Holt
Ensures that records and associated court records are expunged.

Allows the following crimes to also be expunged:
-Sexual abuse (709)
- Robbery, aggravated theft, extortion (711)
-Arson (712)
- Burglary 1st degree (713.3)
- Burglary 2nd degree (713.5)
-Neglect of dependent person (726.3)
-Child endangerment (726.6)

Prostitution (725.1)

If a person sells or offers their services in a sex act and the person is under 18, they shall not be arrested, charged or prosecuted under this section. The peace officer shall take the person in to custody and refer them to DHS for further action.

If a person, under 18 has been convicted, they may have their record expunged after two years if they have not violated a similar law.